

COLORADO STATEWIDE INTERNET PORTAL AUTHORITY

Request for Proposals General Counsel Services to the Colorado Statewide Internet Portal Authority

Proposals (5 copies) Due: Friday, October 29, 2004, 4:30 P.M.

Deliver to:

**Division of Finance and Procurement
ATTN: Richard Pennington
1525 Sherman Street, Room 250
Denver, CO 80203**

I. ANTICIPATED LEGAL SERVICES

- A. The Colorado Statewide Internet Portal Authority (the Authority) is requesting proposals from law firms located in the State of Colorado to provide legal services to the Authority related to the implementation of article 37.7 of title 24 of the Colorado Revised Statutes. The newly created authority is seeking legal counsel concerning establishment of the authority, its administration, procurement issues associated with the authority's charter, and the related financing.
- B. While the Authority prefers to limit the number of awards to firms who have the resources and capability to provide all legal services, the Authority may make multiple awards to firms should the nature of responses and associated qualifications warrant.
- C. The Division of Finance and Procurement, Department of Personnel & Administration, is supporting the procurement by the Authority of general counsel services. Interested firms must deliver proposals to the division address above by 4:30 p.m., Friday, October 29, 2004.

II. BACKGROUND

Information on the Colorado Statewide Internet Portal Authority is available at <http://www.colorado.gov/portalauthority>.

In 2003, Colorado Senate Bill 03-0336 added section 24-37.5-203.5, Colorado Revised Statutes, that required the Information Management Commission to develop a portal plan for the State of Colorado. While that plan was being developed, Senate Bill 04-244 was introduced, adopted by the general assembly, and signed into law. It added article 37.7 to title 24 of the Colorado Revised Statutes, creating the Authority. The rationale for the creation of an independent authority is included in the April 16, 2004, Statewide Portal Plan that is available on the Authority's Web site.

This request for proposal is the vehicle for the Authority's acquiring general counsel who will be the chief legal advisor to the Authority and the Executive Director of the Authority.

III. MINIMUM QUALIFICATIONS TO PROPOSE

- A. Proposing attorneys or firms (referred to as "firms" in this RFP) must be located in the State of Colorado. In their proposals, proposing firms must disclose any relationship or compensation arrangement that the firm or any individual in the firm has currently or had at any time in the past two years that could create or appear to create a potential conflict of interest.
- B. Proposing firms must certify in their proposal that they will not take on any engagement that could result in a conflict of interest after selection. A conflict would include a selected firm's representing offerors submitting proposals on solicitations issued by the Authority.
- C. While firms are not prohibited from teaming in submission of a proposal in order to provide expertise in the full range of legal issues likely to be encountered, the Authority will expect to execute a contract with a single firm as prime contractor. Clearly identify in the proposal any teaming relationships and the experience and expertise other firms are expected to bring to the engagement. Attorneys not disclosed in the proposal may not be used as legal counsel without the approval of the Authority.

IV. SCOPE OF SERVICES

- A. The selected law firms will work closely with the Authority to provide the necessary legal counsel and assistance in establishing the operations structure of the Authority, developing solicitations to achieve the goals of the Authority, and structuring financing consistent with the terms of the authorizing statute.
- B. The services expected to be performed include: assist in establishment and promulgation of policies and directives with respect to Authority activities; advise the officers and members of the Authority as to all legal matters relating to the administration, operation, and financing of the Authority and as to the laws governing initiation, planning, financing and the development of the programs of the Authority; draft, examine and approve as to legal compliance all forms, contracts or other documents necessary for all phases of the Authority's work or purpose; express opinions on the legal sufficiency of any contracts and instruments used by the Authority; coordinate with and assist bond counsel in the preparation of all documents related to the sale of Authority obligations and the investment of the proceeds; render regular opinions on such matters relating to the Authority as may be requested by the Chair, members, officers of the Board, or the Executive Director; perform such other services incident to this position and office and undertake such other duties as from time to time may be assigned to it by the Executive Director or the Board of the Authority.

V. PROPOSAL FORMAT

A. Overview

1. Briefly describe the firm's business in Colorado as it relates to advice to public or quasi-governmental entities similar to the Authority and experience in public procurement, public finance and the issuance of debt for governmental entities. Include a list of the firm's local partners in an appendix.
2. In a signed proposal cover page, provide a contact for this RFP and his or her phone number, fax number, and email address.

B. Experience and Qualifications. The Authority desires offerors to relate their experience and qualifications to issues likely to be encountered in the implementation of the authorizing legislation, sufficient to demonstrate the firm's understanding of the Authority's mission and likely legal issues. Explain the firm's capabilities in assisting the Authority in meeting its responsibilities. In this regard,

1. Summarize generally the firm's area of practice and why it is particularly well qualified to provide the legal services requested.
2. Describe recent experience and/or qualifications in your firm for providing general legal services in establishing a quasi-governmental authority, establishing employment policies/practices, developing suitable financial and operational infrastructure, providing advice in acquiring facilities, and otherwise advising on the legal issues likely to be encountered with the establish of a new quasi-governmental agency.
3. Describe the firm's experience in advising government or other clients in complex procurement matters, preferably those involving technology requirements. Describe the extent to which the firm has assisted in market research, solicitation development and contract drafting.
4. Describe recent experience in providing legal services in state or municipal financings, as that experience is deemed relevant to the financing provisions of the Authority's authorizing statute. Indicate whether the experience was as general, bond, disclosure, underwriter, or special counsel.
5. Provide at least three references (name, address, and telephone number) from other public or quasi-governmental entities, or commercial clients deemed to be equivalent in demonstrating your capability to meet the needs of the Authority.

C. Legal Staffing and Resources

Identify and describe the relevance experience of the attorney who is proposed to serve as counsel to the Authority as well as other key attorneys expected to provide the services requested. Include their office locations. Provide brief biographies of each attorney who would work on behalf of the Authority. Indicate whether any attorney who will perform work under the contract is or has ever been disciplined by the Colorado Supreme Court, the United States District Court for the District of Colorado, or any other court in the United States. If the answer is yes to any of the above, provide a description of the reasons for and nature of the discipline or other violation of law. To the extent permitted by law, provide a list of grievances and complaints filed within the past two years with the State of Colorado Bar Association Disciplinary Board or filed pursuant to the federal court disciplinary procedure against anyone who will work under contract with the state. Include a complete description of the nature of those complaints and resolution (including any penalties imposed).

D. Key Issues in Procurement and Financing: Briefly describe your perspective on the key legal issues in structuring the portal solicitation and financing.

E. Fees and Costs

Disclose your firm's fee structure for services anticipated to be within the scope of this engagement. Include your schedule for billing costs other than attorney fees. This engagement is intended to be a non-exclusive arrangement, and the Authority reserves the right to discontinue retention of any firm at any time at its sole discretion. The Authority anticipates using a traditional fee-for-service model for counsel services, although offerors are invited to propose alternative fee arrangements for consideration, such as retainer arrangements.

VI. EVALUATION

The proposal or proposals deemed most advantageous to the Authority will be selected for award considering: the breadth and quality of experience and qualifications of the firm and its attorneys relative to the services requested; the understanding of the requirement as demonstrated in the offeror's proposal; and the fees and other financial aspects of the proposal.

VII. ADMINISTRATIVE INFORMATION

- A. The evaluation process may include informal interviews of highly ranked firms as well as, at the option of the Authority, an opportunity for oral presentations.
- B. The Authority assumes no liability for expenses incurred by a firm in development of its proposal or otherwise prior to its selection and execution of a contract by the parties.
- C. Materials submitted become property of the Authority. Any restrictions of the use or inspection of material contained within the proposal shall be clearly stated in the proposal itself. The offeror must state specifically what elements of the proposal are to be considered confidential/proprietary. Confidential/Proprietary information must be readily identified, marked and separated/packaged from the rest of the proposal. Co-

mingling of confidential/proprietary and other information is not acceptable. Neither a proposal in its entirety, nor proposal price information, will be considered confidential and proprietary. Any information that will be included in any resulting contract cannot be considered confidential.

- D. The Authority reserves the right to cancel at any time this RFP or to reject any or all proposals.
- E. Unnecessarily elaborate proposals are not encouraged. Use fonts or presentation formats that enhance the readability of the proposal and its understanding.
- F. Please provide five (5) copies of your proposal. Proposals received by fax will not be accepted.
- G. Proposals (5 copies) are due by 4:30 p.m., Friday, October 29, 2004 at the Division of Finance and Procurement, ATTN: Richard Pennington, Colorado Department of Personnel & Administration, 1525 Sherman Street, Room 250, Denver Colorado 80203.
- H. This request for proposal is not governed by the Colorado Procurement Code or the State of Colorado Solicitation Instructions and Terms and Conditions published on the Bid Information and Distribution System (BIDS). Amendments to this solicitation – if required -- will be posted on BIDS (accessible through www.gssa.state.co.us/VenSols). You will find this solicitation listed in the Open Solicitations list under Agency: “Division of Finance and Procurement: State Purchasing Office” and Category: “Legal Services.” The title is “Internet Portal Authority Legal Counsel.” BIDS registration is not required to view this solicitation.
- I. Questions about this RFP may be directed by email or in writing to:

Richard Pennington (richard.pennington@state.co.us)

tel: 303-866-3281

fax: 303-866-4233

Division of Finance and Procurement

1525 Sherman Street, Room 250

Denver, CO 80203